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09/450,023	11/29/1999	WILLIAM A. GINDLESPERGER	11103.103C	7046

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EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 04/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)	
09/450,023	GINDLESPERGER, WILLIAM A.	
Examiner	Art Unit	
Daniel S Felten	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed

- after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 29 November 1999.  
2a) This action is FINAL. 2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-24 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.  
12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.  
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.  
15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2&3.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

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## DETAILED ACTION

1  
2 ***Claim Rejections - 35 USC § 102***

3 1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form  
4 the basis for the rejections under this section made in this Office action:

5 A person shall be entitled to a patent unless --

6 (e) the invention was described in a patent granted on an application for patent by another filed in the United  
7 States before the invention thereof by the applicant for patent, or on an international application by another  
8 who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c ) of this title before the  
9 invention thereof by the applicant for patent.

10 2. Claims 1, 2, 6-10 and 19-24 are rejected under 35 U.S.C. 102(e) as being anticipated  
11 by Walker et al (hereinafter "WA207", US 5,794,207).

12  
13 **As in Claim 1:**

14 WA207 discloses a method for competitive bidding vendors of customized goods or services see  
15 WA207, col. 10, ll. 31+), comprising steps of:

16 receiving a vendor record from at least one of said vendors, said vendor record having a  
17 vendor identifier data representing a vendor, and a vendors capability data identifying a  
18 capability of said vendor to provide a customized goods or services (see WA207, col. 13, ll.  
19 10+);

1 receiving a job data (*Conditional Purchase Offer--CPO*) from said buyer, said job data  
2 having a buyer identifier data representing said buyer, and a job descriptor data representing a  
3 custom job for which said buyer wishes a price quote or bid (see WA207, example col. 8, ll. 42-  
4 56);

5 comparing (*or matching*) said vendor records to said job data (see WA207, col. 10, ll. 57  
6 to col. 11, ll. 3);

7 identifying at least one of said vendor records as qualified for receiving an invitation for  
8 bid, based on said comparison (see WA207, col. 13, ll. 10-22);

9 transmitting a solicitation (or CPO) to said at least one vendor (WA207, col. 8, ll. 57 to  
10 col. 9, ll. 30);

11 receiving a bid response data from at least one of said vendors to which said transmitting  
12 step transmitted said solicitation, said bid response data identifying the vendor it was received  
13 from and a bid price (WA207, col. 9, ll. 17-51);

14 identifying a candidate bid from said received bid data, based on comparative values of  
15 said bid prices (WA207, col. 16, ll. 12-45);

16 outputting to said buyer a vendor selection data identifying said bid response data and  
17 said candidate bid (WA207, col. 16, ll. 12-45);

18 receiving an approval data from said buyer, said data representing one of an approval of  
19 said vendor corresponding to said candidate bid and an approval of another of said vendors; and

1 transmitting an order to the vendor represented by said approval data (WA207, col. 29, ll. 52 to  
2 col. 30, ll. 29).

3

4 **As in Claim 2:**

5 wherein said job a selection criteria data, said selection criteria specifying at least one of  
6 a vendor name, a vendor capability, a descriptor of an ownership characteristic of the vendor,  
7 a descriptor of a union status of said vendor, and a vendor geographical location, and  
8 wherein said comparison is performed in accordance with said selection criteria data (see  
9 WA207, col. 13, ll. 11-22).

10

11 **As in Claim 6:**

12 wherein the vendor capability data represents the identified vendor's capability to  
13 manufacture each of a plurality of different types of customized goods (see WA207, col. 13, ll.  
14 10-22).

15

16 **As in Claims 7, 9:**

17 further comprising steps of inputting into said central data server a completion of job  
18 data (see WA207, *Accepted CPO from a seller*, col. 9, ll. 24-29);  
19 transmitting from said central data server to said buyer an invoice (CPO) for payment of  
20 said bid price (see WA207, col. 9, ll. 31-35, col. 9, ll. 40-43);

1       inputting a payment from said buyer into an escrow account serving as a single-source

2       accounts payable destination for the buyer's vendor payments (see WA207, col. 9, ll. 35-39);

3       transferring a payment from said escrow account to an account of said vendor

4       corresponding to the invoice payment data (CPO) (see WA207, col. 9, ll. 35-39).

5

6       **As in Claims 8, 10:**

7       further comprising steps of:

8       adding the cost to the buyer of using the invention associated with each job as a job

9       transaction fee to the vendor payment invoice prior to buyer approval of the invoice;

10       allocating and distributing a data representing payment of said invoice by transmitting the

11       job transaction fee data to a system administration account and transmitting a remainder vendor

12       payment data to an account of said vendor (see WA207, col. 20, ll. 16-28).

13

14       **As in Claim 19:**

15       a step of creating a web site having areas for at least one of a group consisting of said

16       buyer and said vendors to visit, and wherein step of receiving a vendor record comprises a step

17       of said vendor visiting said web site and inputting said record using a web browser (see WA207,

18       col. 8, ll. 66 to col. 9, ll. 16).

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3 **As in Claim 20:**

4       wherein the job data includes a preferred vendor data identifying at least one preferred  
5       vendor, and wherein said step of transmitting a solicitation includes transmitting said solicitation  
6       to said at least one preferred vendor (see WA207, col. 13, ll. 30-34).

7

8 **As in Claim 21:**

9       wherein said bid response data represents a proposed alternative specification for said  
10      custom job represented by said solicitation data and further comprising a step of:

11       displaying said alternative specifications; receiving an alternative specification approval  
12      data; and

13       identifying the vendor associated with the bid response data as qualified or not qualified  
14      to receive said invitation for bid, based on said alternative specification approval data (see  
15      WA207, counteroffers, col. 8, ll. 5-8; col. 9, ll. 45-51; col. 22, ll. 52+).

16

17 **As in Claim 22:**

18      A system for competitive bidding by vendors of customized goods and services, comprising:  
19       A general purpose computer having a data storage (see WA207, col. 12, ll. 8-21);

---

1 means for inputting a plurality of vendor records into said data storage, each of said vendor  
2 records having a vendor identifier data identifying a vendor and a vendor capability data  
3 representing a capabilities of said vendor, means for inputting a job data into said data storage,  
4 said job data having a buyer identifier data identifying a buyer, a job description data describing a  
5 custom job, and a selection criteria data (see WA207, col. 12, ll. 8-21; col. 12, ll. 54 to col. 13, ll.  
6 22);

7 means for generating a vendor pool data, said vendor pool data representing vendor  
8 records qualified to bid on said custom-job, each vendor record represented by the vendor pool  
9 data being qualified based on a match of at least one of a group consisting of said buyer identifier  
10 data, said job description data, and said selection criteria data to at least one of a group consisting  
11 of said vendor qualification data and said vendor identifier data (see WA207, col. 13, ll.1+);

12 means for transmitting a solicitation to the vendors represented by vendor records in said  
13 vendor pool; means for inputting into said general purpose computer a plurality of bid data, each  
14 being from a vendor to which said solicitation was transmitted, each of said bid data representing  
15 a bid price (see WA207, *CPO*, col. 12, ll. 9-11; col. 15, ll. 46+);

16 means for identifying a bid data from said received bid data having the lowest  
17 represented bid price;

18 means for outputting to said buyer a selected vendor data representing the identity of the  
19 vendor corresponding to the lowest bid data identified by said identifying means; and

1 means for receiving an approval data from said buyer, the approval data indicating an  
2 approval of one of said vendor represented by said selected vendor data or another of said  
3 vendors means for transmitting an order to the vendor represented by said received approval  
4 data (see WA207, col. 16, ll. 11-45).

5

6 **As in Claim 23:**

7 wherein said means for receiving a plurality of vendor records includes a web host, and a  
8 web browser associated with at least one of said buyer and said vendors (see WA207, col. 14, ll.  
9 7-29).

10

11 **As in Claim 24:**

12 A method for competitive bidding by vendors of customized goods or services, comprising steps  
13 of:

14 receiving a job data (*CPO*) from said buyer, said job data having a buyer identifier data  
15 representing said buyer, and a job descriptor data representing a custom job (*CPO*) for which said  
16 buyer wishes a price quote or bid (see WA207, col. 13, ll. 1-10);

17 distributing to a plurality of vendors, by electronic publishing, a job advertising data  
18 representing said custom job (see WA207, col. 15, ll. 46-52; and col. 15, ll. 60 to col. 16, ll. 11);

19 receiving a bid response data from at least one of said plurality of vendors, said bid  
20 response data identifying the vendor it was received from, a bid price, and an alternative

1 specification data representing a proposed deviation (*counteroffer*) from said job descriptor data  
2 (see WA207, counteroffers, col. 8, ll. 5-8; col. 9, ll. 45-51; col. 22, ll. 52+);  
3 identifying a selected bid from said received bid response data, based on comparative  
4 values of said bid price and said alternative specification data (see WA207, counteroffers, col. 8,  
5 ll. 5-8; col. 9, ll. 45-51; col. 22, ll. 52+);  
6 transmitting an order (*CPO*) to the vendor represented by said selected bid (see WA207,  
7 counteroffers, col. 8, ll. 5-8; col. 9, ll. 45-51; col. 22, ll. 52+);  
8 generating a job milestone data based on said job descriptor data (see WA207, col. , ll.  
9 ); and  
10 receiving job progress data from said vendor represented by said selected bid (see fig. 7,  
11 WA207, status, col. 17, ll. 48-64).

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2 ***Claim Rejections - 35 USC § 103***

3 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
4 obviousness rejections set forth in this Office action:

5 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in  
6 section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are  
7 such that the subject matter as a whole would have been obvious at the time the invention was made to a person  
8 having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the  
9 manner in which the invention was made.

10

11 4. Claims 3, 4, 5, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable  
12 over Walker et al (hereinafter "WA207", US 5,794, 207) and Fischer et al (hereinafter "Fischer",  
13 US 6,243,691 B1). The teachings of WA207 have been discussed above.

14

15 **Regarding Claims 3, 4, 5:**

16 WA207 fails to fairly suggest steps of:  
17 ranking said received bid response data according to said represented bid price; and  
18 publishing an information data to other vendors identifying said selected vendor and the  
19 rank order value of said received bid data; and  
20 identifying said selected vendor and the rank order value of said received bid response  
21 data.

1        These features are found in Fischer (see fig. 7, col. 9, ll. 43-65; col. 5, ll. 66 to col. 6, ll.  
2        60). It would have been obvious for an artisan of ordinary skill at the time of the invention to  
3        integrate the features disclosed in Fischer into WA207 because an artisan at the time of the time  
4        of the invention would recognize the advantage of aforementioned features to inform users as to  
5        the status of their bid in comparison to other competing bidders.

6        Furthermore, the integration of such notoriously old and well known features of Fischer  
7        into the WA207 system, would provide greater competition between competitors as well as  
8        greater usage of the system. Thus such a modification would be an obvious expedient to an  
9        artisan of ordinary skill in the art.

10

11 **Regarding Claim 11:**

12        WA207 in view of Fischer discloses steps of inputting into said central data server a  
13        completion of job data (see WA207, *Accepted CPO from a seller*, col. 9, ll. 24-29);

14        transmitting from said central data server to said buyer an invoice (CPO) for payment of  
15        said bid price (see WA207, col. 9, ll. 31-35, col. 9, ll. 40-43);

16        inputting a payment from said buyer into an escrow account serving as a single-source  
17        accounts payable destination for the buyer's vendor payments (see WA207, col. 9, ll. 35-39);

18        transferring a payment from said escrow account to an account of said vendor  
19        corresponding to the invoice payment data (CPO) (see WA207, col. 9, ll. 35-39).

20

1    **Regarding Claim 12:**

2            WA207 in view of Fischer discloses comprising steps of adding the cost to the buyer of  
3            using the invention associated with each job as a job transaction fee to the vendor payment  
4            invoice prior to buyer approval of the invoice;

5            allocating and distributing a data representing payment of said invoice by transmitting the  
6            job transaction fee data to a system administration account and transmitting a remainder vendor  
7            payment data to an account of said vendor (see WA207, col. 20, ll. 16-28).

8

9

10        5.        Claims 13, 14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
11        Walker et al (hereinafter "WA207", US 5,794,207) in view of Walker et al (hereinafter  
12        "WA911" US 5963,911). The teachings of WA207 have been discussed above.

13

14        **Regarding Claims 13 and 14:**

15            WA207 fails to disclose a step of calculating a job milestone data based on said buyer's  
16            job data. The aforementioned feature is taught by WA911 (see WA911, col. 13, ll. 30+).

17            It would have been obvious for an artisan of ordinary skill at the time of the invention of  
18        WA207 to integrate the aforementioned feature disclosed in WA911 into the WA207 system  
19        because WA207 system may provide a service (or supply a CPO) which requires progressive

1     updates the completion of the service or job. Thus such a modification would have been an  
2     obvious expedient to one of ordinary skill in the art.

3

4     **Regarding Claims 16 and 17:**

5     WA207 in view of WA911 discloses steps of generating a job progress verification request based  
6     on said job milestone data; and  
7                    receiving a data representing a job progress corresponding to said job progress  
8     verification request (see WA911, col. 13, ll. 30+).

9

10    6.     Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
11     WA207 as modified by Fischer as applied to claim 3 above, and further in view of WA911.

12

13     **Regarding claim 15:**

14                    WA207 and Fischer fail to disclose the step of calculating a job milestone data based on  
15     said buyer's job data. The calculation of a milestone is taught by WA911 (see WA911, col. 13, ll.  
16     30+). It would have been obvious for an artisan at the time of the invention to employ the  
17     teaching of WA911, including the aforementioned features, to the teachings of WA207 as  
18     modified by Fischer because such a modification would have provided the WA207 system with  
19     pertinent information in the process of completion of specific orders/jobs processed by the

1 system. Thus the ability for the system to monitor and track data processing would have been an  
2 obvious expedient well within the ordinary skill in the art.

3

4 **Regarding claim 18:**

5 WA207 as modified by Fischer in further view of WA911 discloses steps of generating a job  
6 progress verification request based on said job milestone data; and  
7 receiving a data representing a job progress corresponding to said job progress  
8 verification request (see WA911, col. 13, ll. 30+).

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TECHNOLOGY CENTER 2100

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2 ***Conclusion***

3

4 7. Any inquiry concerning this communication or earlier communications from the examiner  
5 should be directed to ***Daniel S. Felten*** whose telephone number is (703) 305-0724. The  
6 examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.  
7 Any inquiry of a general nature relating to the status of this application or its proceedings should  
8 be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor  
9 ***Vincent Millin*** whose telephone number is (703) 308-1065.

10

11 8. Response to this action should be mailed to:

12

13 Commissioner of Patents and Trademarks

14 Washington, D.C. 20231

15

16 for formal communications intended for entry, or (703) 305-0040, for informal or draft  
17 communications, please label "Proposed" or "Draft".

18 Communications via Internet e-mail regarding this application, other than those under 35  
19 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be  
20 addressed to *[daniel.felten@uspto.gov]*.

21

22 All Internet e-mail communications will be made of record in the application file. PTO  
23 employees do not engage in Internet communications where there exists a possibility that  
24 sensitive information could be identified or exchanged unless the record includes a properly  
25 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly

1 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and  
2 Trademark on February 25, 1997 at 1 195 OG 89.

3 

4 DSF

5 April 11, 2002